

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MURRAY POTTER,

Plaintiff,

No. 2:20-cv-823 GBW/KRS

v.

FRANK TORRES and
CITY OF LAS CRUCES,

Defendants.

**ORDER DENYING WITHOUT PREJUDICE
MOTION FOR WITHDRAWAL OF COUNSEL**

THIS MATTER is before the Court on counsel for Plaintiff's Motion to Permit Withdrawal of Counsel, (Doc. 10), filed February 4, 2021. Counsel states Plaintiff has met with attorneys at another law firm and consents to that firm representing him going forward. Counsel provides Plaintiff's contact information and states that opposing counsel does not object to counsel's withdrawal from this matter.

The Court's Local Rules set forth the procedure for an attorney to withdraw. Where the filing is uncontested, the motion to withdraw must indicate "notice of appointment of substitute attorney" or "a statement of the client's intention to appear *pro se*[" D.N.M. LR-Civ. 83.8(a). While Plaintiff's counsel indicates Plaintiff has met with other attorneys, those attorneys have not entered in appearance in this case. As such, if the Court grants this Motion, Plaintiff would be appearing *pro se*, and nowhere in the Motion does Plaintiff's counsel state that is Plaintiff's intention.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Permit Withdrawal of Counsel, (Doc. 10), is DENIED without prejudice. Plaintiff's counsel may re-file the Motion once Plaintiff's representation going forward has been confirmed.

A handwritten signature in black ink, reading "Kevin Sweazea". The signature is written in a cursive, flowing style. The first name "Kevin" is written in a smaller, more compact script, while the last name "Sweazea" is written in a larger, more expansive script with a long, sweeping tail on the final letter.

KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE